

AO 91 (Rev. 08/09) Criminal Complaint

FILED
OCT 5 2020

Mark C. McCartt, Clerk
U.S. DISTRICT COURT

UNITED STATES DISTRICT COURT

for the

Northern District of Oklahoma

United States of America

v.

Case No.

20-MJ-347-JFJ

TYLER JONATHAN MARTIN

Defendant(s)

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of July 7, 2019 in the county of Tulsa in the
Northern District of Oklahoma, the defendant(s) violated:

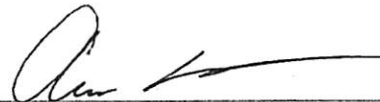
Code Section
18 U.S.C. §§ 1151, 1153 and 18
U.S.C. § 2111

Offense Description
Robbery in Indian Country

This criminal complaint is based on these facts:

See Attached Affidavit

☒ Continued on the attached sheet.



Complainant's signature

Audra Marie Rees, Special Agent

Printed name and title

Sworn to before me and signed via telephone.

Date:

10-5-20



Judge's signature

City and state:

Tulsa, OK

Jodi F. Jayne, United States Magistrate Judge

Printed name and title

**AFFIDAVIT IN SUPPORT OF AN ARREST WARRANT
IN THE NORTHERN DISTRICT OF OKLAHOMA**

I, Audra Marie Rees, being duly sworn under oath, do hereby depose and state:

INTRODUCTION

1. I am a Special Agent with the Federal Bureau of Investigation (FBI), and as such, I am an investigative or law enforcement officer, that is, an officer of the United States who is empowered by law to conduct investigations of, and to make arrests for, offenses enumerated in 18 U.S.C., including violent crimes. I am currently employed with the FBI and have been so employed since January 2020. I am a graduate of the FBI academy, where I received training including investigating violent crimes and crimes relating to Indian Country.

2. As part of my duties as a Special Agent, I investigate criminal violations relating to Indian Country crimes, to include Robbery, in violation of 18 U.S.C. §§ 1151, 1153 and 2111.

3. On or about July 7, 2019, it is my belief that an Indian male, known as Tyler Jonathan Martin (Martin) (DOB xx/xx/1992), a United States citizen and a Citizen of the Muscogee (Creek) Tribe of Oklahoma, violated 18 U.S.C. § 2111, Robbery, in that Martin did rob a female victim, (D.H.) by force and fear, pushing the victim to the ground and forcefully taking the victim's property including: (1) truck keys, (2) a Ford F-150 truck, and (3) items inside the Ford-150 truck. Martin fled the scene in the victim's Ford F-150 truck. This all occurred at the Walmart parking lot located at 2019 E. 81st Street, Tulsa, Tulsa County, Oklahoma, which lies within the Northern District of Oklahoma, and based

on the ruling of the United States Supreme Court in *McGirt v. Oklahoma*, 591 U.S. ____ (2020), is within “Indian Country,” as that term is defined under 18 U.S.C. § 1151.

**THE SOURCE OF MY INFORMATION AND
GROUNDS FOR MY BELIEFS ARE AS FOLLOWS:**

4. As part of this investigation, I have reviewed police reports prepared by the Tulsa Police Department (TPD), as well as witness statements.
5. At all times relevant to this Complaint, Martin, according to the Muscogee (Creek) Nation, was and is a member of the Muscogee (Creek) Nation.
6. On or about July 7, 2019, D.H. reported that a suspect, later identified as Martin, approached the victim, D.H., and demanded D.H.’s keys. D.H. refused, a physical altercation began, and D.H. was forcefully moved out of D.H.’s vehicle, a Ford F-150 truck and pushed to the ground. D.H.’s keys also fell on the ground. Martin grabbed the keys and fled in D.H.’s vehicle. D.H., age 74 at the time of the incident, sustained a knee injury, resulting in knee pain and was discovered to have high blood pressure upon Emergency Medical Service’s (EMS) arrival. D.H. was transported to St. Francis Hospital by an EMS ambulance. A witness to the events, E.S., reported that E.S. saw Martin approach the victim. At first to E.S., it initially appeared that Martin was going to assist D.H. with D.H.’s groceries. However, E.S. saw the subject pull the victim from the victim’s Ford F-150 truck and heard a scream. E.S. ran to the Ford F-150 truck. D.H. held the truck door while E.S. tried to pull Martin out of the truck. Martin drove the truck over the curb and onto 81st Street. TPD Officers were dispatched on a report that a Hispanic looking male, approximately 40 years of age, had pulled a person, approximately 70 years of age, out of

the person's vehicle and drove the vehicle southbound on S Lewis Ave. Officers arrived at the scene to find the victim and a witness, as well as evidence left by the subject. D.H. told the officers that a man demanded D.H.'s keys and pushed D.H. to the ground before stealing D.H.'s truck and leaving the parking lot.

7. TPD Officers obtained surveillance video from the Wal-Mart parking lot that captured the robbery. The surveillance video corroborated the victim's and witnesses' facts of what occurred during the robbery. TPD Officers also secured a cellular telephone that was left by the suspect, later identified as Martin, at the scene of the robbery. TPD Officers further found a work shirt that was left by Martin at the scene of the robbery. The work shirt is from "Jenks Fence" and has the name "Tyler" printed on it.

8. TPD created a tip sheet for public release, and after being broadcast over several social media outlets as well as social media portals, the TPD began to receive tips that the suspect was a person named Tyler Jonathan Martin. TPD called the business "Jenks Fence", and spoke with the owner. The owner confirmed that an employee named Tyler Jonathan Martin had worked for the "Jenks Fence" Company some time ago. The owner added that he had seen the surveillance images on the news and that the images were unmistakably Tyler Jonathan Martin. After reviewing surveillance photos and comparing them to known photos of police records of Tyler Jonathan Martin, the TPD Officers identified that the suspect in the parking lot surveillance images is the defendant, Tyler Jonathan Martin.


9. The events described above took place in Indian Country in Tulsa, Tulsa County, Oklahoma, in the Northern District of Oklahoma.

RELEVANT STATUTES

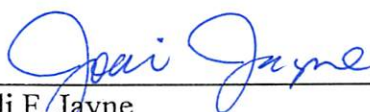
10. 18 U.S.C. § 1151 provides:
Except as otherwise provided in sections 1154 and 1156 of this title, the term "Indian country" as used in this chapter, means (a) all land within the limits of any Indian reservation under the jurisdiction of the United States Government, notwithstanding the issuance of any patent, and including rights-of-way running through the reservation (b) all dependent Indian communities within the borders of the United States whether within the original or subsequently acquired territory thereof, and whether or without the limits of the state and (c) all Indian allotments the Indian titles to which have not been extinguished, including the rights-of-way running through the same.
11. 18 U.S.C. § 1153 provides in pertinent part:
(a) Any Indian who commits against the person or property of another Indian or other person any of the following offenses, namely, murder, manslaughter, kidnapping, maiming, a felony under chapter 109A, incest, a felony assault under section 113, an assault against an individual who has not attained the age of 16 years, felony child abuse or neglect, arson, burglary, robbery, and a felony under section 661 of this title within the Indian country, shall be subject to the same law and penalties as all other persons committing any of the above offenses, within the exclusive jurisdiction of the United States.
12. 18 U.S.C. § 2111 provides:
Whoever, within the special maritime and territorial jurisdiction of the United States, by force and violence, or by intimidation, takes or attempts to take from the person or presence of another anything of value, shall be imprisoned not more than fifteen years.

CONCLUSION

13. Based on the information set forth in this affidavit, I submit there is probable cause to believe that Tyler Jonathan Martin has violated 18 U.S.C. Sections 1151, 1153, and 2111, Robbery in Indian Country.


Audra Marie Rees, Special Agent
Federal Bureau of Investigation

Subscribed and sworn before me by phone this 5th day of October, 2020.


Jodi F. Jayne
United States Magistrate Judge
Northern District Of Oklahoma